



March 12, 2013

Planning Department
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

Re: USE PERMIT FOR REQUIRED ONE-YEAR REVIEW OF CHILD CARE CENTER INCLUDING EXPANSION FROM 18 TO 24 CHILDREN

Dear Planning Department:

On April 6, 2010 the Sunnyvale City Council granted a Conditional Use Permit to convert a "Large Home Daycare" at this property to a commercial "Childcare Center" with a capacity of 24 students (Project #2009-0756).

This approval was given with the condition that the childcare center shall be limited to 18 children for one year. The Sunnyvale City Council indicated that, after one year of facility operation with 18 children, the use would be reviewed at an Administrative Hearing. The expansion from 18 to 24 children would also be considered upon this review.

The other condition set forth was to upgrade the site to meet current City codes. After extensive structural building, safety, earthquake and fire upgrades, construction at the facility was completed on March 24, 2011. The City fire marshal and building inspector, Mr. Bob Serrano, granted final approval for occupancy.

In compliance with California Department of Social Services, a license was issued to the childcare center (Windsor Academy) for a maximum capacity of 18 children. Since then, the Windsor Academy has been operating smoothly with 18 children at this commercial site.



The childcare center has been operating with 18 children and successfully meets all the City Council conditions that:

- There are only minor changes to the exterior of building (ADA requirements)
- There have been no changes in hours of operation
- There is no change in the number of employees

Based on our previous year of operating with a capacity of 18 students, we feel that this capacity is justified to be made permanent, and that an expansion to 24 students will not cause a negative impact to the community.

Thank you,

Harmesh K Saini

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Attachments:

- 1 Justification Document (14 pages)
- 2 Description Document (4 pages)
- 3 Citizen Survey, City of Sunnyvale 2011, p. 21 (1 page)
- 4 Out n' About Incentive Chart (1 page)
- 5 Recommendation Letters from Neighbors and Business (8 letters)
 - a. Adjacent Neighbor: Jim Hayes
 - b. Neighbor: Brent Harrison and Jennifer Ayre
 - c. Next-to-Adjacent Neighbor: Charlie Zhu and Joyce Min
 - d. Current Parent: Emily Johnson
 - e. Nearby Neighbor: Rakesh Gupta and Shalini Agarwal
 - f. America's Best Karate: Master Todd Penner
 - g. Unique Dental: Drs. Mark Vo and Jasmine Le
 - h. Hair Galleria: Jafar
- 6 Letter from Neighborhood Preservation: Steve Frias (1 page)
- 7 Staff Handbook (Excerpt): Parking (1 page)



JUSTIFICATION DOCUMENT for PROJECT # 2013-7202

Windsor Academy has operated for a year with a conditional use permit which allowed for a capacity increase from 14 students to 18. The purpose of this document is to share data and observations made in the time that 18 students attended Windsor Academy. We strongly feel that the increase from 14 to 18 did not negatively impact the community, and request that the conditional permit for 18 be made permanent.

Furthermore, since the increase from 14 to 18 went so smoothly, Windsor Academy is also requesting a modest increase in capacity to 24 students. If granted, we intend to make this capacity increase given:

- The increase will not require any further property modifications to the building or landscaping.
- There will be no additional on-site staff requirement, thus not requiring additional staff parking.
- Traffic and parking has not been an issue with the current capacity of 18 students, and there are no signs that increasing to 24 would worsen traffic.
- Since the increase to 18 students since last year, there has been no observed negative impact to the surrounding neighborhood.



The increase in capacity will provide local families a secure, safe and loving place for their children and has a number of benefits to the community:

- Affordable childcare is a boon to businesses seeking to locate in Sunnyvale.
- The lowest scoring category in the recent resident satisfaction survey (2011) is affordable childcare. This negatively impacts the quality of life for two-income families -- which is to say, most families with children.
- Local small businesses surrounding Windsor Academy benefit from the increased business.
- Expansion would lead to job creation in the community and provide support to the real estate market.

1. Traffic

Arterial Location

Windsor Academy is located on South Mary Avenue near the West Washington Avenue intersection. South Mary Ave. is an arterial street, not a residential neighborhood street, so increasing the student capacity to 18 had no significant impact on traffic. Likewise, increasing student capacity to 24 will not add a significant amount of traffic.

Traffic Lights

Windsor Academy is located between two traffic lights at W. Washington Ave. and W. Iowa Ave. This provides traffic control to the area and creates many gaps in the flow of traffic that allow for easy access to the driveway.



Efficient Traffic Flow

Windsor Academy is conveniently located in a mixed commercial-residential zoned area, and between the major commuting roads of El Camino Real and Central Expressway. Parents can easily drop their children off on the way to work, thereby reducing traffic flow in the City. It also makes Windsor Academy walkable for many parents who live in the surrounding residential neighborhood.

Additionally, Windsor Academy is directly across from the Mary Manor Shopping Center, which includes a Starbucks, Quizno's, drycleaner, etc. As a result, families commonly visit these business instead of driving out of their way, further reducing traffic flow in the City.

Alternative Transportation

Due to Windsor Academy's close proximity to residential areas, many of our families walk, wagon, or bike to school. This further limits traffic congestion throughout the community. Additionally, we encourage families to use alternative transportation via our "Out n' About" incentive program (see attached). Figure 1 shows examples of alternative transportation.



Figure 1: A few of the ways our students get to school



2. Parking

Windsor Academy has two designated covered and two uncovered parking spots (see Figure 2).



Figure 2: Large driveway which allows for safe transition to/from S. Mary Ave.

Three-point turn

The spacious front driveway allows for a safe three-point-turn. This means that no driver ever needs to back into traffic on S. Mary Ave.

Staggered Dropoff and Pickup

Due to the variety of schedules, drop off time for children is between 8:00 am and 11:00 am. Pick up time is from 11:00 am to 6:00 pm, depending on the child's schedule. The wide range of pick up and drop off times leads to staggered parking use.



In our data collection, there were never more than 2 vehicles occupying parent parking spots at Windsor Academy (see Figure 3). The majority of the time, the parking lot was empty, suggesting that the current parking lot size is sufficient for 18 students and would sustain an increase in student capacity to 24.

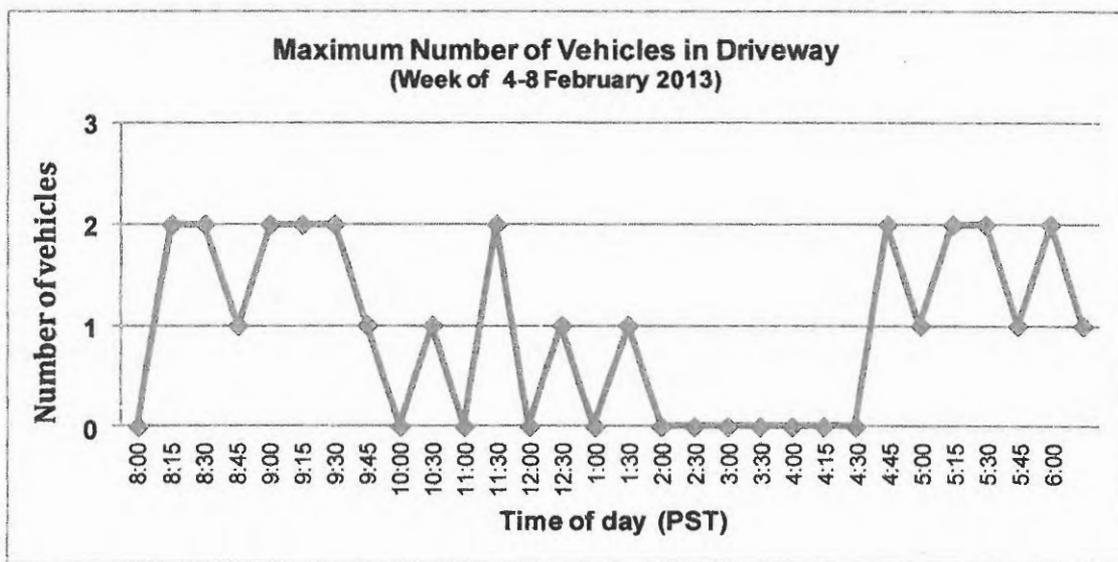


Figure 3: Vehicle in driveway data from Feb 2013 with 18 students enrolled

Parking Duration

Figure 4 shows how long cars were parked at Windsor Academy. The average duration is under 4 minutes, and the vast majority of vehicles are parked for 5 minutes or fewer.

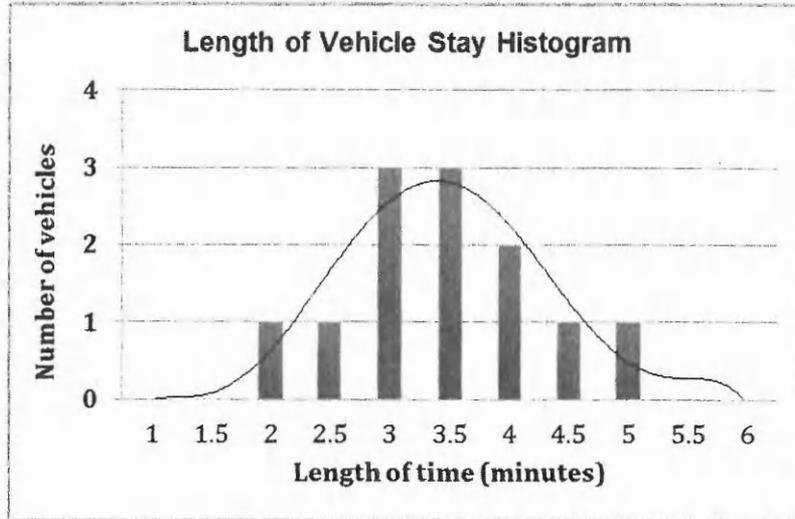


Figure 4: The distribution of vehicle parking times

Informing Parents about Parking

Windsor Academy makes regular effort to inform parents on safe parking practices during drop-off and pick-up times. This includes informing drivers of the ability to do three-point turns to facilitate fast, efficient drop-offs and pick-ups.



3. Working Cooperatively with Neighbors

Cooperating with Neighbors

Since center operations began, through the increase from 14 to 18 students, neighbors have been enthusiastic and supportive of the project. Please see attached letters of support from neighbors. Complaints to the City about center operations have been made by only one person, a neighbor. In this section, we would like to provide a written explanation of the context of these complaints and exhibit ways we have maintained cooperative relationships with neighbors, and will continue to do so if granted an increase in capacity.

One complaint was not using the 2-car garage for parking, as required by Condition of Approval #6 of the previously approved Use Permit (#2009-0756). This complaint was false. A response, including photographs of the garage, was promptly sent to Mr. Steve Frias of Neighborhood Preservation. Please see attached letter from Mr. Frias, in which he states there "appears to no merit to the complaint."

The expansion of the center to 24 children would not impact staff parking in the garage because the number of staff (2) would stay the same. Please see Staff Handbook, in which all staff members, upon employment, are provided a written explanation of parking procedures at the center.

The other complaint, made by the same neighbor, was to the Sunnyvale Police Department regarding vehicles obstructing the neighboring driveway. Public Safety Officer James Boone personally visited the center in November 2011 to observe and evaluate this specific concern. Lt. Boone interviewed both adjacent neighbors, stood



outside and observed staggered drop-off of children, and spoke to center staff. He found the complaint to be unsubstantiated.

The center has been diligent in documenting all conversations with the neighbor since 2010 (available upon request). Other incidents with the neighbor on 9/13/11 and 1/4/12 indicate that the issue is not obstruction of driveways: it is actually cars parked curbside in front of the neighbor's home.

Though this is legal parking, the center has instructed families to avoid parking even curbside in front of the neighbor's home. Even with an increase in student capacity, the center intends to remain highly responsive to neighbors.

Going Above and Beyond: Noise

While the sounds of children laughing and playing is compatible with a residential neighborhood, Windsor Academy has been proactive to address the aforementioned neighbor's concern about noise. Although not a Condition of Approval, a sound barrier wall with special noise-cancelling foam inserts was erected (see Figure 5). It spans 80' long by 8' tall. We have not received any noise complaints since the sound barrier wall was constructed.

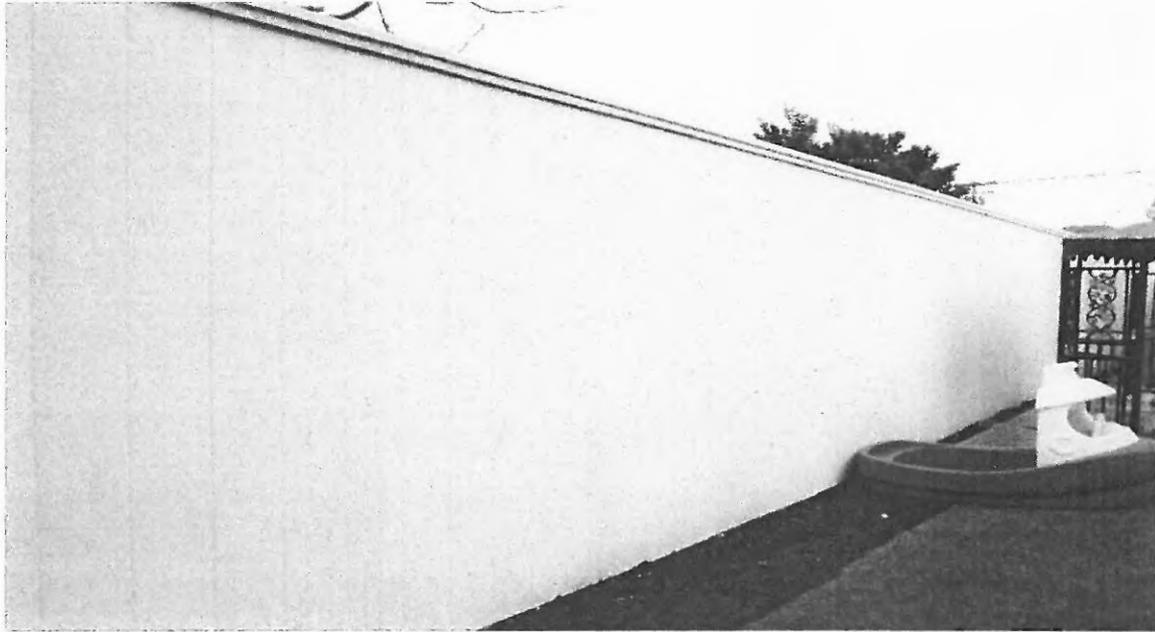


Figure 5: The sound barrier wall

Going Above and Beyond: Drainage

In addition to the noise consideration, the aforementioned neighbor also expressed concern about rainwater crossing onto his property. Although not a Condition of Approval, Windsor Academy again proactively developed a drainage system that would ensure no water would cross onto the neighbor's property.

We hope to convey that the center has truly strived to maintain harmonious neighbor relations, often going above and beyond City requirements. We are happy to report there have been no complaints from this neighbor since January 2012.



4. Neighborhood Compatibility

Windsor Academy is positioned directly across from local businesses (see Figure 6), and situated in a mixed residential-commercial zone. While the facility has gone through required renovations, the look and feel of the neighborhood has been maintained. No major modifications have been made to the exterior of the facility (see Figure 7).



Figure 6: View of Mary Manor Shopping Center from Windsor Academy



Figure 7: Front view of Windsor Academy

5. Why Increase capacity at Windsor Academy?

Sunnyvale is located in the heart of Silicon Valley. As a result, an influx of young families are moving to the City seeking work, especially to the nearby downtown area. Located within one mile of multiple housing developments, Windsor Academy has been inundated with prospective families seeking childcare for their young children. Windsor Academy's waitlist is filled with new families waiting for admission, as well as siblings of current students.

Affordable childcare is consequently a boon to businesses seeking to locate themselves in Sunnyvale (e.g. LinkedIn, Nokia) and attract young talent.



At the same time, Sunnyvale residents are most dissatisfied with the availability of affordable childcare according to a recent survey (Citizen Survey, City of Sunnyvale 2011, p. 21). Availability of affordable, quality childcare is the single-lowest scoring category in the entire survey. Limited childcare affects the quality of life for two-income families -- most young families with children.

	2011	2009	2008	2007	2005	2003	2002
Sense of community	67%	58%	62%	65%	59%	NA	NA
Openness and acceptance of the community towards people of diverse backgrounds	83%	80%	82%	85%	NA	NA	NA
Availability of affordable quality child care	40%	31%	32%	31%	59%	56%	NA
Sunnyvale as a place to raise children	82%	81%	77%	81%	NA	NA	NA
Sunnyvale as a place to retire	53%	55%	61%	49%	NA	NA	NA

Percent excellent or good

Figure 8: Only 40% of Sunnyvale residents are satisfied with the availability of affordable, quality childcare

(Source: The National Citizen Survey, City of Sunnyvale, CA 2011 Page 21 www.icma.org or www.n-r-c.com)

This issue reaches further than just childcare. Many neighboring businesses in the Mary Manor Shopping Center have seen increased business due to the presence of Windsor Academy. Therefore, we feel Windsor Academy is positively contributing to the economy of Sunnyvale.

Over the past year, we've complied with the Conditions of Approval as we operated with 18 students, while positively influencing the community. As a result, we feel that a permanent permit for 18 students is justified.